

NOTICE OF CALL IN OF DECISION

To: Head of Legal and Democratic Services

We, the undersigned, wish to call in the following decision (*see note 1*).

Decision taken by (*see note 2*): **Cabinet**

Date decision was taken: **23 April 2024**

Report Title: **Sustainable Communities for Learning – Rolling Programme – item 6**

Decision (*see note 3*):

Approves the submission of the draft strategic outline programme for the Sustainable Communities for Learning – Rolling Programme to Welsh Government for their consideration – and confirms that its read , understood and taken into account the wellbeing assessment as part of its consideration

Reason for Call In: The cabinet decision to proceed with the submission of their business case for the new school, means that we would be losing the playing field/sports pitch in this location. Welsh Government quite rightly wish to protect these community sport/open spaces, and have clear legislation and processes. We believe that this process hasn't been adhered to. Please see the below which clarifies the correct process;

Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 2010

The Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 2010 (<https://www.legislation.gov.uk/mwa/2010/6/contents>) ('the Measure') makes provision in relation to community involvement in decisions by local authorities in Wales about whether to dispose of playing fields. It confers a power on the Welsh Ministers to make regulations that would allow the involvement of communities in decisions by local authorities about the way in which they dispose of land that consists of or forms part of a playing field. A playing field is defined as an open space that has been marked or set aside for sport or similar recreational activity, at any time. Please see below up to date guidance

To conclude; We believe proposing building on the playing field/open space activates the desire of the local authority (DCC) to dispose of this land . This ensures that the relevant persons including the local community , local sports clubs and groups, and National Governing Bodies such as (Sport Wales) , The National Playing Fields Association , Play Wales and Open Spaces Society have had an opportunity to put forward their views regarding the proposed disposal. These representations along with other relevant matters will assist the local authority to decide whether or not to proceed with the proposed disposal.

A impact assessment providing details of the proposed disposal which must be available for inspection and sent to specified consultees and must include information about the effect of the proposal would have on the following strategies, plans and assessments for the following areas a) local development plan, b) play sufficiency assessment, c) community strategy, d) health , social care and well being strategy for the area . This assessment should consider how the proposed disposal would impact the above areas.

Risks are missing from the report;

In the report Item 10, Officers talk about risks and ask the question is there anything we can do to reduce them . 10.1 , they actually say the main risk will be around finance affordability If the main risk is affordability , I want to raise the following ; 1. Substantial costs need to be calculated, for site B (the field next to the football club that needs to be upgraded for athletics & rugby because of loosing site A due to the proposed new school)The upgrade of this field needs to be for a equal or betterment provision .The cost and also who is responsible for the costs needs to be made clear to Cabinet before any decision is made as the figure could be approximately £1 million or more? The point is that no decision should be made without the full costings and facts being understood and shown clearly

We (*see note 4*) request that according to the Council's approved 'call-in' procedure rules (*see note 5*) a meeting of the most appropriate Overview and Scrutiny Committee be held within 5 working days (*see note 6*) of the date of your receipt of this notice.

1. Mark Young (print) e-mail 02/05/2024 (signature)
2. Merfyn Parry (print) e-mail 02/05/2024 (signature)
3. Pauline Edwards (print) e-mail 02/05/2024 (signature)
4. Geraint Lloyd Williams (print) e-mail 02/05/2024 (signature)
5. Elfed Williams (print) e-mail 02/05/2024 (signature)

Dated: 02/05/2024

Guidance Notes

1. Five working days are allowed for a decision to be called-in following its publication on the Council’s web-site and notification to Members of the Council. Urgent decisions may proceed despite a call-in if the decision-maker has the agreement of:
 - (i) the chair of the relevant scrutiny committee, or
 - (ii) if there is no such person or that person is unable to act, the Chair of the Council, or
 - (iii) if there is no chair of the relevant scrutiny committee or Chair of the Council, the Vice Chair of the Council.
2. Please state the name of the decision maker e.g. Cabinet or the Lead Member for.....
3. If the decision contains more than one part, please state which are to be called-in, e.g. parts (a), (b), and (d) of the Resolution.
4. Signatories must be non-executive members. Councillors with a prejudicial interest in the decision may not be a signatory to the Notice of Call-in.
5. The Denbighshire Call-in Procedure Rules appear in the Council’s Constitution *Part 4.5 – Scrutiny Procedure Rules*.
6. Timescales may be extended in exceptional circumstances with the agreement of the decision-maker and the chair of the relevant scrutiny committee.

For Office use only

Received by: Rhian Evans Date: 02/05/2024

Date decision was published: 25/04/2024

Notification sent to Leader and the Decision taker (date): 02/05/2024

Notification sent to Chief Executive (date): 02/05/2024

Relevant Scrutiny Committee: Partnerships Scrutiny Committee

Date: 16/05/2024 Time: 10am Venue: Hybrid County Hall & via Video Conference

